

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect fragments, setae, manure, thrips, and rat or mouse hairs; and, Section 402 (a) (4), the product had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 2, 1951. A plea of guilty having been entered, the court imposed a fine of \$100 on each of the 2 counts, but suspended payment of the fine on count 2 and placed the defendant on probation for 1 year.

EGGS

17219. Adulteration and misbranding of dried eggs. U. S. v. 33 Drums, etc.
(F. D. C. No. 30376. Sample Nos. 91995-K, 91996-K.)

LIBEL FILED: January 11, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about June 9, 1950, by the Seymour Packing Co., from Topeka, Kans.

PRODUCT: 146 45-pound drums of dried eggs at New York, N. Y.

LABEL, IN PART: "Dried Whole Eggs Screenings * * * Not For Human Consumption" and "Dried Whole Eggs Sifted * * * Not For Human Consumption."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), carbonaceous materials had been substituted in whole or in part for dried whole eggs; and, Section 402 (b) (4), carbonaceous materials had been added to the article and mixed and packed with it so as to reduce its quality or strength.

Misbranding, Section 403 (g) (1), the article purported to be and was represented as dried whole eggs, a food for which a definition and standard of identity had been prescribed by regulations, and it failed to conform to such definition and standard since it contained carbonaceous materials which are not provided for in such standard as an ingredient of dried whole eggs.

DISPOSITION: March 2, 1951. The Seymour Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be denatured with kerosene, under the supervision of the Federal Security Agency, so that it could not be disposed of for human consumption but would be satisfactory for tanning purposes.

17220. Adulteration of frozen eggs. U. S. v. 64 Cans * * *. (F. D. C. No. 30158. Sample No. 83343-K.)

LIBEL FILED: November 24, 1950, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 26, 1950, by the Ovson Egg Co., from Kansas City, Mo.

PRODUCT: 64 30-pound cans of frozen eggs at Chicago, Ill.

LABEL, IN PART: "Special Mixed Eggs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: January 16, 1951. Alvin Richter, Herman Kolb, and Ida Feuerstein, doing business as Richter & Kolb, Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of segregating the fit from the unfit portion, under the supervision of the Food and Drug Administration. Segregation operations resulted in 25 cans being destroyed and 39 cans being released as passable.

FEEDS AND GRAINS

17221. Misbranding of Alfa-Zyme feed. U. S. v. Rossmoyne Processing Corp.
Plea of not guilty. Tried to the Court. Verdict of guilty. Sentence suspended and corporation placed on probation for 1 year. (F. D. C. No. 27484. Sample No. 39367-K.)

INFORMATION FILED: July 6, 1949, Middle District of Pennsylvania, against the Rossmoyne Processing Corp., Camp Hill, Pa.

ALLEGED SHIPMENT: On or about January 5, 1949, from the State of Pennsylvania into the State of Kentucky.

LABEL, IN PART: "100 Pounds Net 'Alfa-Zyme Brand' Feed Made by Rossmoyne Processing Corp. Camp Hill, Pennsylvania Guaranteed Analysis Protein 9.50% Fat 1.00% Fiber 14.00% Made From: Dehydrated Alfalfa Meal, Soybean Oil Meal, Enzyme Digested Flour, Cultured with Yeast and Lactic Acid forming Bacteria."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Guaranteed Analysis Protein 9.50%" was false and misleading since the product contained less than 9.50% protein; and, Section 403 (i) (2), the product was fabricated from two or more ingredients, and the label failed to bear the common or usual name of each such ingredient since the product contained oat hulls and rice hulls, which were not declared on the label.

DISPOSITION: A plea of not guilty having been entered, the matter came on for trial before the court on January 15, 1951. On the same day, the court handed down a verdict of guilty, suspended the imposition of sentence, and placed the corporation on probation for 1 year.

17222. Adulteration and misbranding of dog food. U. S. v. 25 Cases * * *.
(F. D. C. No. 29937. Sample No. 58810-K.)

LABEL FILED: October 18, 1950, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 21, 1950, by Cousins VirDel, Inc., from South Lyon, Mich.

PRODUCT: 25 cases, each containing 48 15½-ounce cans, of dog food at La Grange, Ill.

LABEL, IN PART: "Dinner Bell Dog Rations Analysis Protein, Minimum 12.5% Fat, Minimum 2.0%."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, protein and fat, had been in part omitted from the article.

Misbranding, Section 403 (a), the label designations "Protein, Minimum 12.5% Fat, Minimum 2.0%" were false and misleading as applied to an article which contained less than those amounts of protein and fat.

DISPOSITION: February 20, 1951. Default decree of condemnation and destruction.